

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

JUNE CHO,)
)
Plaintiff,)
)
v.) Case No. 1:18-cv-00288-WO-JLW
)
DUKE UNIVERSITY and MARILYN)
HOCKENBERRY)
)
Defendants.)
)

DECLARATION OF MARION BROOME

1. My name is Marion Broome. I am over the age of 18 and am competent to make this Declaration which is based on my own personal knowledge and I give this Declaration as part of the lawsuit brought by June Cho ("Dr. Cho").
2. I am the Dean and Ruby F. Wilson Professor of Nursing for Duke University School of Nursing and Vice Chancellor for Nursing Affairs at Duke University. I have held this position since August 2014.
3. I met with Dr. Cho and was involved in the decision to hire her as an Associate Professor without tenure for the academic year beginning July 1, 2015.
4. In January 2017, I was informed that Dr. Cho had re-opened enrollment at an external site without the approval of Duke's IRB and without informing Duke. I understood: (i) Duke's Office of Audit Risk and Compliance would be conducting an audit of Dr. Cho's study; (ii) the Neonatal-Perinatal Research Unit no longer intended to support Dr. Cho's study meaning there would be no further recruitment at Duke; and (iii) Duke's IRB would be conducting a full board review of Dr. Cho's study. I consulted with Dr. Cho's department leadership regarding these concerns and made the decision that Dr. Cho's Associate Professor appointment would not be renewed. The department weighed options for timing and communication to Dr. Cho.
5. My understanding is that Dr. Barbara Turner communicated the non-reappointment decision to Dr. Cho on or about April 12, 2017. I signed the letter electronically on April 6, 2017. It is not unusual for me to sign electronically. A

true and correct copy of the letter is attached hereto as **Attachment A**.

6. In early May 2017, I was informed that the IRB full board recommended revocation of Dr. Cho's status as a Principal Investigator or "PI." I also understood that the Dean of the School of Medicine at the time, Dr. Nancy Andrews, agreed with and implemented the recommendation.
7. After consultation with department leadership, I determined that the School of Nursing should return the grant to the National Institutes of Health. Dr. Marilyn Hockenberry was not involved in these discussions.
8. In June 2017, Dr. Turner, Dr. Hockenberry, Dr. Fisher, Phyllis Kennel and I attended the Faculty Hearing Committee hearing of Dr. Cho's grievance. The Committee issued its unanimous decision in July 2017 that Dr. Cho was not the subject of impermissible harassment or academic due process violations. Importantly, the Committee's decision noted that Dr. Cho utilized the term "harassment" to refer to alleged "general mistreatment by administration that she found detrimental to her research," not harassment based on national origin or any other protected category. It is my understanding that the Faculty Hearing Committee's decision was upheld at all levels of internal appeal pursued by Dr. Cho.
9. In the Fall of 2017, I was made aware that Dr. Cho filed a charge with the Equal Employment Opportunity Commission alleging national origin discrimination and retaliation. It is my understanding that the EEOC did not find a violation and dismissed the case. At no time prior had Dr. Cho raised or expressed any concern to me that she felt discriminated against because of her national origin.
10. Dr. Cho continued in her role as a faculty member until on or about May 2018 when she left Duke to take a position with another university.
11. I understand that Dr. Cho contends that Duke discriminated against her on the basis of her national origin (Korean). I did not and do not harbor any discriminatory animus toward Dr. Cho because of her national origin. I did not take action concerning Dr. Cho because I believed she had raised concerns about national origin discrimination. I am not aware of anyone making any derogatory comments or remarks regarding Dr. Cho's national origin. Dr. Cho's national origin played no role in any decision I made.

[Signature Page Follows]

DECLARATION PURSUANT TO 28 U.S.C. § 1746

I declare under penalty of perjury, pursuant to 28 U.S.C. § 1746 that the foregoing is true and correct.

Marion P. Broome
Marion Broome

Date: 4/4/19

ATTACHMENTS TO THE DECLARATION OF
MARION BROOME



DUKE UNIVERSITY SCHOOL OF NURSING

Marion E. Broome, PhD, RN, FAAN
Dean and Ruby Wilson Professor of Nursing
Vice Chancellor for Nursing Affairs, Duke University
Associate Vice President for Academic Affairs for Nursing, DUHS

PERSONAL AND CONFIDENTIAL

April 6, 2017

June Cho, PhD, RN
Associate Professor
Duke University School of Nursing
Durham, NC 27710

Dear June,

As per recent conversations with your Division Chair, Dr. Turner, your faculty position with the Duke University School of Nursing will end on June 30, 2018. In accordance with the non-renewal provisions of the Faculty Handbook, I am notifying you now that this is a terminal appointment and your appointment will not be renewed.

You will continue to fill a full-time faculty position during the academic year 2017-2018. You will not receive a salary increase for the academic year 2017-2018.

I suggest contacting the Benefits Administration at (919) 684-5600 with specific questions regarding your University benefits. Please acknowledge receipt of this letter by signing and returning in the enclosed stamped envelope to Ms. Crystal Arthur. I hope that the 2017-2018 year will be a productive year for you. I wish you the best in your professional development and career.

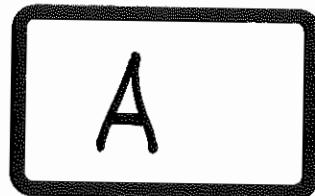
Sincerely,

Marion E. Broome

Acknowledgement of receipt:

June Cho

Date:



307 Trent Drive • DUMC 3322 • Durham, NC 27710 • tel (919) 684-9444 • fax (919) 684-9414

CONFIDENTIAL

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